

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Endowments Department - Appeal Petition filed by Sri N. Somasekhar, former Executive Officer, Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram, East Godavari District against the Dismissal Orders – Modified the punishment of dismissal from service to that of stoppage of (3) increments with cumulative effect, besides recovery of Rs.2,64,337/- estimated loss of amount to Government exchequer – Reinstatement into service- Orders – Issued.

REVENUE (VIGILANCE.IV(1)) DEPARTMENT

G.O.Ms.No. 1522

Dated:17-12-2008

Read the following:-

- (1) G.O.Ms.No.115, Revenue (Vig.IV) Dept., dt.01.02.2007.
- (2) Appeal Petition filed by Sri N. Somasekhar, former Executive Officer, Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram, E.G. District dt.27.04.2007.
- (3) Representations dt.23.06.2008, 02.08.2008 and 14.10.2008 of Sri N. Somasekhar, former Executive Officer, Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram, E.G. District .

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ORDER:

In the reference first read above, Government issued orders dismissing Sri N. Somasekhar, former Executive Officer and Joint Commissioner, Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram, East Godavari District from Government service with immediate effect, for misusing his official position and power and for not following the guidelines issued by the Commissioner, Endowments Department for the work of installation of Sri Swamyvari Namam with neon light and for not obtaining permission from the Commissioner, Endowments Department for modification of installed Namam and thereby causing loss to Government to a tune of Rs.2,64,367/-(Rupees two lakhs sixty four thousand three hundred and sixty seven only).

2. Aggrieved by the orders of dismissal, Sri N. Somasekhar, former Executive Officer has filed an Appeal Petition before the Government in the references second and third read above. Sri N. Somasekhar, former Executive Officer has stated that he had joined as Executive Officer of Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram on promotion to the cadre of Regional Joint Commissioner on 02.01.1999. During the course of administration, he found out that the proposal for the erection of Namam at the Hills was originally considered by the Trust Board in the year 1991. Thereafter, after following the formalities, the decision was carried on and tenders were called for and since only a single tender was received quoting an excess rate of about 38%, the same was cancelled. Again, fresh tenders were called for and since, there was no response to the notification, keeping in view all the developments, the Chairman/Founder Trustee took a decision to somehow install the Namam as proposed even by calling for quotations. As per the procedure, the lowest quotation offered by M/s Vision Neon, Vijayawada was finalized by the Trust Board in Resolution No.446, dt.18.6.1999 and the work was entrusted to the lowest quotationer.

3. He has further stated that this genesis for an enquiry by the Tribunal for Disciplinary Proceedings is from out of an enquiry by the ACB. As per the recommendations of the ACB., the Departmental enquiry was conducted by the TDP. The TDP in their conclusion relied upon the deposition of Sri Vijaya, Deputy Director (Civil Engineer) (PW6) who is not at all a competent person to assess the expenditure on Electrical works. The correct person is an Electrical Engineer. Sri Vijaya, DD(Civil Engineer) further deposed that he was not aware of the circuits that were fitted in the Nanam. In spite of all this, the TDP has arrived at the conclusion that he had caused a loss of Rs.2,64,367/- to Government and advised for imposing a

(contd...2/-)

punishment of stoppage 3 (three) increments with cumulative effect. But, unfortunately, Govt. have issued orders dismissing him from service. He has also quoted two cases, wherein, the personnel were initially dismissed from service for misappropriating amounts and on a Revision Petition, they were reinstated into service by imposing a punishment of stoppage of increments with cumulative effect, besides recovery of misappropriated amounts in equal installments.

4. He has also stated that in both the above cases, there is misappropriation of amount, but in his case, there is no misappropriation and he had only effected construction of Nanam with a Good Intention. He has also stated that his only fault is that he had not obtained permission from the Head of the Department for the modification. Due to the media uproar, ACB enquiry and his sudden transfer, he could not obtain ratification from the Commissioner, Endowments Department and finally requested to set aside the orders issued in the G.O. first read above and to reinstate him into duty and if at all, the Government still feels that he had caused loss to the Government, the punishment recommended by the TDP., i.e, stoppage of (3) three increments with cumulative effect may be imposed against him.

5. Government after careful examination of the entire issue have decided to modify the punishment of dismissal from service to that of stoppage of three (3) increments with cumulative effect, besides recovery of Rs.2,64,367/- /-(Rupees two lakhs sixty four thousand three hundred and sixty seven only) from Sri N. Somasekhar, former Executive Officer to meet the ends of justice. Accordingly, Government hereby modifying the punishment of dismissal from service to that of stoppage of three (3) increments with cumulative effect, besides recovery of Rs.2,64,367/- (Rupees two lakhs sixty four thousand three hundred and sixty seven only) estimated loss of amount to Government exchequer from Sri N. Somasekhar, former Joint Commissioner & Executive Officer, Sri Veera Venkata Satyanarayana Swamy Devasthanam, Annavaram, E.G. District and he shall be reinstated into service immediately and the period of suspension and the period of absence from duty from the date of dismissal to the date of reinstatement shall be treated as a period spent "Not on duty" as per F.R. 54 (B) (3).

6. The Commissioner, Endowments Department, A.P., Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. VEERABHADRAIAH
SECRETARY TO GOVERNMENT

To
The Individual (Through Commissioner, Endowments Department,
AP., Hyderabad)

The Commissioner, Endowments Department, AP., Hyderabad.

Copy to:

The Director General, Anti-Corruption Bureau, AP, Hyderabad.

The Accountant General, AP., Hyderabad.

The P.S to Prl. Secy. to C.M.

The P.S to Secretary to Govt. (Endts.).

The Revenue (Endts.I) Department.

SF/SC-2.

//FORWARDED::BY ORDER//

SECTION OFFICER